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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 30th October, 1958:—

Issue No.	No. and date	Issued by	Subject
217	S.O. 2221, dated 24th October, 1958.	Ministry of External Affairs.	The Karaikal Cultivating Tenants' Protection (No. 2) Order, 1958.
218	S.O. 2222, dated 25th October, 1958.	Election Commission, India.	List of Contesting Candidates for election to the Council of States by the elected members of the Rajasthan Legislative Assembly.
219	S.O. 2223, dated 25th October, 1958.	Ministry of Information and Broadcasting.	Certification of films specified therein.
220	S. O. 2224, dated 9th October, 1958.	Election Commission, India.	Election Petition No. 477 of 1957.
221	S. O. 2225, dated 27th October 1958.	Ministry of Commerce and Industry.	Appointment of a body of persons for making complete investigation into the circumstances of the Kalyanmal Mills Ltd.
222	S. O. 2226, dated 28th October, 1958.	Ministry of Home Affairs	Order regarding allocation of business of Government in the Ministry of Commerce & Industry.
223	S. O. 2227 dated 29th October, 1958	Election Commission, India.	Calling upon the Katihar Parliamentary Constituency to elect a person.
	S. O. 2228, dated 29th October, 1958.	Do.	Appointment of dates for making nominations etc., to the bye-election in the Katihar Parliamentary Constituency.
	S. O. 2229, dated 29th October, 1958.	Do.	Fixation of hours for polling for the election to the House of the People from the Katihar Constituency.
224	S. O. 2294, dated 29th October, 1958.	Ministry of Finance (Dept. of Economic Affairs)	Appointment of Shri B. K. Kaul, I.C.S. as a member of the Life Insurance Corporation of India.
225	S. O. 2295, dated 30th October, 1958.	Election Commission, India.	Direction regarding method of Voting in the bye-election of the Katihar Constituency.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

**PART II—Section 3—Sub-section (ii)**

**Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).**

**ELECTION COMMISSION, INDIA**

*New Delhi, the 29th October 1958*

**S.O. 2298.**—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 10 of 1958 presented to the Commission on the 4th October, 1958, under section 81 of the said Act, by Shri Brij Behari, 4952, Roop Kunj, Darya Ganj, Delhi, calling in question the election to the Council of States from the Electoral College constituted for the Union Territory of Delhi of Shri Mirza Ahmad Ali 4380 Mohalla Shah Ganj, Delhi.

THE ELECTION COMMISSION OF INDIA, NEW DELHI.

ELECTION PETITION No. 10 OF 1958

Relating to the Election to the Rajya Sabha from the Union Territory of Delhi Constituency.

**Brij Behari**

4380, Roop Kunj, Darya Ganj, Delhi.—*Petitioner.*

*versus*

Mirza Ahmad Ali, Mohalla Shah Ganj, Delhi.—*Respondent.*

The humble petition of the abovenamed petitioner sheweth:—

1. That the petitioner was candidate for the election to the Rajya Sabha for the seat allotted to the Union Territory of Delhi from the Electoral College Constituted for the territory.

2. That the last date for the filing of the nominations was September 1, 1958. On that date the petitioner presented to the Returning Officer a nomination paper duly filled in, in the prescribed form. This nomination was signed by Shri Sri Krishna as proposer. Shri Sri Krishna is a member of the Electoral College for the Union Territory of Delhi, and his number in the Electoral Roll of the Electoral College is 16. But, in the Nomination paper against Column 2, the proposer wrote as follows:—"6440, Vol., VII Chandni Chowk Constituency" this giving his serial number in the Electoral Roll of the Parliamentary Constituency.

3. That the nomination paper was presented to the Returning Officer by the petitioner and the Returning Officer accepted the same without satisfying himself that the Electoral Roll number of the proposer in the nomination paper was the same as entered in the Electoral Roll of the Electoral College, as he was bound to do under section 33(4) of the Representation of Peoples Act, 1951. The Electoral Roll was with the Returning Officer and if he had proceeded under section 33(4) of the Act, the clerical or technical error in the nomination paper could have been immediately removed.

4. That the following nine other persons also filed their nomination papers:— (1) Ahmed Sayeed, (2) Hrish Chandra, (3) Mirza Ahmed Ali, (4) Saxena Horilal, (5) Shakil Ahmed, (6) Sayed Abdul Bukhari, (7) K. Narendra, (8) Mohamed Sayeed and (9) Kanwal Singh.

5. That September 3, 1958 was fixed as the date for the scrutiny of the nominations and at the time fixed on that date the petitioner was present before the Returning Officer.

The following objection was raised to the nomination of the petitioner:—

"The proposer has given his serial number 6440 in Electoral Roll of the Parliamentary Constituency and not his number of the Electoral College and that his identity is not established as a member of the Electoral College."

The petitioner pointed out to the Returning Officer that his proposer Shri Sri Krishna was a member of the Electoral College and his serial number was 16. The petitioner further requested the Returning Officer to give him time for half an hour within which time his proposer would also come and any doubt about his identity could be removed. But the Returning Officer refused to give time and passed the following order rejecting his nomination.

"Objection accepted, nomination rejected. Proposer is absent."

The Returning Officer was bound to grant time to remove the defect of the omission and failure on his part to do so amounted to a non exercise of jurisdiction vested in him by law.

The Nomination Paper of Kanwal Singh was also rejected. Shri K. Narendra and Shri Mohamed Sayeed withdrew their candidatures.

6. The Poll was taken on September 16, 1958 and on the same date the Respondent was declared to be elected.

7. That the nomination of the petitioner has been improperly rejected and the election of the Respondent is liable to be set aside and declared as void.

8. That there was no defect of a substantial character in the nomination paper filed by the petitioner and the Returning Officer was not justified in rejecting it at the time of the Scrutiny. The error in the nomination paper was merely a clerical or technical one.

9. That it was never disputed that Shri Sri Krishna the proposer of the petitioner was a member of the Electoral College and no question of his identity arose at the time. All that was required to meet the objection was to give his serial number in the Electoral Roll of the Electoral College.

10. That the Returning Officer was bound to make a summary enquiry if he thought that the identity of the proposer was challenged at such enquiry the identity of the proposer could have been conclusively established by a reference to the Electoral Roll of the Electoral College which was on the table of the Returning Officer.

In any event the rejection of the nomination paper of the petitioner by the Returning Officer was illegal and without jurisdiction.

11. That the petitioner has deposited a sum of Rs. 1000/- in the State Bank of India, Delhi as a security for the cost of petition and the receipt for the same is annexed herewith.

The petitioner humbly prays that the election of the Respondent be declared to be void and the costs of the petition be awarded to the petitioner.

(Sd.) BRIJ BEHARI.

#### VERIFICATION

I Brij Behari do hereby verify this 2nd day of October 1958 at Delhi that the contents of paragraphs 1, 2, 3, 4, 5 & 6 of this petition are correct and true to the best of my knowledge and belief and the contents of paragraphs 7, 8, 9 and 10 are legal and correct to my belief.

(Sd.) BRIJ BEHARI.

[No. 82/10/58.]

S.O. 2299.—Whereas the election of Shri Hem Raj and Shri Daljit Singh as members of the House of the People from the Kangra constituency, has been called in question by an election petition duly presented under Part VI of the Representation of the People Act, 1951 (43 of 1951), by Pandit Ram Nath Kalia, son of Pandit Ved Rishi, Village Chintpurni, Police Station Amb, District Hoshiarpur (Punjab);

And whereas the Election Tribunal appointed by the Election Commission in pursuance of the provisions of section 86 of the said Act, for the trial of the said election petition, has, in pursuance of the provisions contained in section 103 of the said Act, sent a copy of its order in the said election petition to the Commission:

Now, therefore, in pursuance of the provisions of section 106 of the said Act, the Election Commission hereby publishes the said order of the Tribunal.

#### ORDER

Pandit Ram Nath Kalia

Vs.

Shri Hem Raj and Shri Daljit Singh

#### JUDGEMENT

The Kangra Parliamentary Constituency was called upon to return two candidates to the House of People (Lok Sabha) during the last general elections held in the year 1957, one from the general seat and the other from the seat reserved for the Scheduled Castes. Eight persons in all, namely, Messrs Ram Nath Kalia petitioner; Hem Raj and Daljit Singh, respondents; Kultar Chand, Bhagwan Das, Shankar Singh, Rup Singh and Sohan Lal filed nomination papers, out of whom Shri Daljit Singh respondent No. 2, Shri Shankar Singh and Shri Rup Singh were candidates for the reserved seat and the remaining five for the general seat. Shri Sohan Lal withdrew his candidature under section 37 of the Representation of the People Act, 1951 within the time prescribed for the purpose, on the 4th of February 1957, leaving seven candidates in the field to contest the election. Later on, Shri Rup Singh also retired from the contest by a notice in the prescribed form which was delivered to the Returning Officer by him on the 18th of May 1957 under section 55A of the said Act. The remaining six candidates went to the polls. Shri Hem Raj respondent No. 1 was returned to the Lok Sabha from the general seat and Shri Daljit Singh respondent No. 2 from the reserved seat, on the 27th of July 1957 when the result was declared by the Returning Officer. Both of them had contested the election on congress ticket. The contesting candidates secured the votes as under:—

(1) Bhagwan Das	= 10,794
(2) Ram Nath Kalia	= 15,739
(3) Shankar Singh	= 53,730
(4) Kultar Chand	= 61,245
(5) Hem Raj	= 71,531
(6) Daljit Singh	= 73,783

2. Shri Ram Nath Kalia, a defeated candidate, presented an election petition to the Election Commission calling in question the election of the respondents on the grounds that they and their agents and workers with their consent had committed corrupt practices enumerated in paragraphs 10 and 11 of the election petition, for the furtherance of the prospects of their election, that is to say they had made a systematic appeal to the voters in the constituency, to vote for the respondents in the name of caste and community which influenced the voters and materially affected the result of the election, that they held a meeting at Gagret on the 29th May 1957 in which they canvassed votes in their favour on the plea that the petitioner was a landlord and belonged to a class which generally oppress the poor people, that they and their supporters procured assistance from the persons in Government service for the furtherance of the prospects of their election, that the supporters of the respondents brought one Gian Chand to the polling station at Kulu located in the tehsil building who falsely personated his father-in-law Shobhl and cast a vote but was caught red handed, that the ballot boxes for the contesting candidates were not placed in the order in which they ought to have been placed in the polling compartments and this circumstance misled the ignorant voters in casting their votes which materially affected the result of the election, that the withdrawal from the contest by Shri Rup Singh candidate was not valid inasmuch as he had failed to serve a notice of retirement from the contest within the time prescribed by section 55A of the Representation of the People Act, 1951, that a ballot box ought to have been placed for him in the polling compartments of all the polling stations in the constituency, which was not done, and this non-compliance with the statutory provision has completely invalidated the election, that the Returning Officer had not published the list of the contesting candidates in the official gazette as laid down in section 38 of the Representation of the People Act, 1951 read with rule 11(5) of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956 and this omission has rendered the election void and that the election symbol of Shri Shankar Singh a contesting candidate, was changed, from time to time, without any notification or intimation to the petitioner which affected the result of the election materially and vitiated the election. The petitioner, on the above mentioned grounds, prays that the election of both the respondents be declared void.

3. The respondents raised a number of preliminary objections and the preliminary issues arising from the same were settled and disposed of by me on the 28th of May 1958. The petitioner applied for amendment and he was allowed to amend the election petition in certain respects, and, in compliance with that order, he filed an amended election petition on the 26th of May 1958.

4. The election petition was contested by both the respondents on merits and they controverted the allegations of corrupt practices imputed to them by the petitioner. They further averred that no irregularity or illegality had taken place in any procedural matter as contended by the petitioner and that, in any case, the result of the election, in so far as they were concerned, has not been materially affected thereby and as such their election cannot be declared to be void.

5. The parties went to trial on the following issues:—

1. Whether the retirement of Shri Rup Singh candidate from the election contest was not valid?
2. Whether ballot boxes for casting votes for Shri Rup Singh candidate were not placed by the Returning Officer and this omission has invalidated the whole election?
3. Whether the election symbol of Shri Shankar Singh candidate was changed after allotment without compliance with legal requirements; if so, what is its effect on the election in question?
4. Whether the Returning Officer had not published the list of candidates in the official gazette as provided in section 38 of the Representation of the People Act, 1951 and this omission has vitiated the entire election?
5. Whether the ballot boxes for the candidates were not placed in proper order and this has materially affected the result of the election so far as the petitioner is concerned?
6. Whether the supporters of the respondents had made Gian Chand to personate for his father-in-law Shobhi; and to vote for him; if so to what effect?
7. Whether the respondent, or their agents and workers with their consent, had committed corrupt practices enumerated in paragraphs 10 and 11 of the election petition for the furtherance of their election prospects and whether these acts amount to corrupt practices?
8. To what relief, if any, is the petitioner entitled?

*Issue Nos. 1 and 2—*

6. These issues are connected and would, therefore, be dealt with together.

It was first notified by the Election Commission, India, that the polling in the Kangra Parliamentary Constituency would take place from the 24th February 1957 to the 14th March 1957. By another notification, the Election Commission changed these dates and it was notified that the polling would commence on the 21st of June 1957 and close on the 30th June 1957. By a third notification the Election Commission changed these dates also and notified that polling would take place from the 2nd June 1957 to the 25th June 1957. Later on, a further change in the dates of the polling was effected by the Election Commission when it notified that the polling in Lahaul area would take place on the 2nd July 1957 and at Bara Bengal on the 14th July, 1957. Shri Rup Singh candidate had retired from the contest by a notice in the prescribed form which was delivered by him to the Returning Officer on the 18th May 1957.

Sub-section (2) of section 55A of the Representation of the People Act provides that a contesting candidate may retire from the contest by a notice in the prescribed form which shall be delivered to the Returning Officer between the hours of 11 o'clock in the forenoon and 3 o'clock in the afternoon of any day not later than ten days prior to the date or the first of the dates fixed for the poll under clause (d) of section 30 either by such candidate in person or by an agent authorized in this behalf in writing by such candidate.

Section 30(d) of the said Act lays down that as soon as the notification calling upon a constituency to elect a member or members is issued, the Election Commission shall, by a notification in the official gazette, appoint the date or dates on which the poll shall, if necessary, be taken which or the first of which shall be a date not earlier than the twentieth day after the last date for the withdrawal of candidate.

The petitioner urges that as the Election Commission at first by a notification in the official gazette fixed the 24th February 1957 as the date from which the poll had to commence in the constituency Shri Rup Singh candidate, if he intended to retire from the contest, ought to have given a notice of the same in the prescribed form and delivered it to the Returning Officer not later than ten days prior to that date, that is on or before the 14th February 1957, but as he actually retired from the contest by giving a notice on the 18th May 1957, his retirement from the contest was not valid and, therefore, in spite of the above mentioned notice given by him a ballot box ought to have been placed for him at each polling station when the polling took place. I think, there is no force in this contention and it must, therefore, be repelled. Section 153 of the Representation of the People Act, 1951 provides that it shall be competent for the Election Commission for reasons which it considers sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued by it under section 30 or sub-section (1) of section 39. This means that Election Commission was competent to change the date or dates on which it was originally notified that the poll would be taken and completed. The Election Commission, by virtue of that power changed the dates of the commencement of the poll in this constituency from the 24th February 1957 to the 2nd June 1957, which was the first of the dates fixed for the poll. The poll actually commenced in the constituency on the 2nd June 1957 and not on the 24th February 1957. Shri Rup Singh had retired from the contest on the 18th May 1957 that is more than ten days prior to the first of the dates fixed for the poll that is the 2nd June 1957, and, therefore, his retirement was quite valid and in order.

It is common ground and it is also amply proved in this case that no ballot box was provided for Shri Rup Singh at the polling stations when the poll was taken.

Clause (a) of rule 21 of the Representation of the People (Conduct of Elections and Election Petitions) Rules 1956 lays down that the Returning Officer shall provide at each polling station one ballot box for each candidate. The term "candidate" as defined in clause (b) of rule 17 "means a contesting candidate who has not retired in accordance with the provisions of section 55A". Shri Rup Singh had validly retired from contest in accordance with the provisions of section 55A and consequently it was not necessary for the Returning Officer to provide one ballot box for him at each polling station when the constituency went to polls.

Section 100(d)(iv) of the Representation of the People Act, 1951, provides that the Tribunal shall declare the election of the returned candidate to be void if the result of the election, in so far as it concerns that candidate, has been materially affected by, any non-compliance with the provisions of the Constitution, or of that Act or of any rules and orders made under that Act. If for the sake of arguments it be assumed that the retirement of Shri Rup Singh from the contest was not valid and it was necessary to provide a ballot box for him in each polling station in the constituency, even then, the petitioner cannot succeed unless he is able to prove beyond reasonable doubt that the non-compliance with the provisions of section 55A of the said Act or of any rules made thereunder had materially affected the result of the election in so far as it concerns the respondents, the returned candidates. No evidence bearing on this point has been placed upon the record by the petitioner. He has not even cared to substantiate it by his own sworn testimony. It is not legally permissible to raise a presumption that the omission to provide a ballot box at each polling station for Shri Rup Singh candidate had materially affected the result of the election in so far as it concerns the respondents or the petitioner. It was held by the Punjab High Court in the case, Suraj Bhan Vs. Randhir Singh (LX Punjab Law Reporter 457), that the improper retirement from the contest by a candidate under section 55A of the Representation of the People Act does not amount to improper rejection of a nomination paper within the meaning of section 100 of the Act, that it does not by itself, avoid an election and that in such a case there can be no presumption that the result of the election had been materially affected. No authority taking the contrary view has been cited at the Bar.

For the aforesaid reasons, I hold that the retirement of Shri Rup Singh candidate from the contest was valid and proper, that it was not necessary for the Returning Officer to provide a ballot box for him at each polling station in the constituency and he therefore, rightly did not do so and that, in any case, the result of the election in so far as it concerns the respondents and the petitioner, having not been materially affected by this non-compliance with the

provisions of section 55A of the Representation of the People Act and rule 21(a) of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956 cannot render the election of the respondents null and void. Issues 1 and 2 are decided accordingly.

*Issue No. 3—*

7. In the nomination paper, Ex. P. 8, Shri Shankar Singh candidate had chosen the election symbols of Standing Lion, Human Hand and Umbrella in order of preference. The Returning Officer first of all allotted to him the symbol of Standing Lion within Circle. Later on, on some objection being raised, the Election Commission cancelled that allotment of symbol and allotted the symbol of Human Hand to Shri Shankar Singh. It appears that for some reasons this allotment of symbol was also not adhered to and was cancelled by the Election Commission who finally allotted to him the symbol of Elephant. All the candidates were duly informed about these changes made in the allotment of election symbol to Shri Shankar Singh long before the poll was taken. The petitioner urges that the Election Commission was not competent to make any change in the election symbol originally allotted to Shri Shankar Singh and that, in any case, he should not have been allotted the symbol of Elephant which he had not asked for in his nomination paper and that the irregularity which has taken place in this matter has materially affected the result of the election and, therefore, invalidated it. I find no force in this argument. Rule 10(1) of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956 lays down that the Returning Officer shall consider the choice as respects symbols expressed by the contesting candidates in their nomination papers and allot a different symbol to each contesting candidate in conformity as far as practicable with his choice. Rules 10(2) of those rules provides that the allotment by the Returning Officer of any symbol to a candidate shall be final except where it is inconsistent with any directions issued by the Election Commission in this behalf in which case the Election Commission may revise the allotment in such manner as it thinks fit.

The provisions of rule 10 leave no room for doubt that the allotment of the election symbols is the function and privilege of the Returning Officer whose decision, subject to the revision if any, made by the Election Commission in this matter, is final and all that the law requires is that he should, while making the allotment of symbols respect the desire of the contesting candidates as expressed in their nomination papers as far as it is practicable and is not inconsistent with any directions issued by the Election Commission in that behalf. In the present case the Returning Officer allotted the symbol of Standing Lion within Circle to Shri Shankar Singh when the allotment of symbols was made by him first of all. This allotment was, however, subsequently changed and Shri Shankar Singh was allotted symbol of Human Hand instead of Standing Lion within Circle and thereafter the symbol of Elephant instead of that of Human Hand by the Election Commission who were the final authority in the matter and whose discretion in this matter, I am afraid cannot be questioned by the petitioner or by any other person in these proceedings or otherwise.

Apart from this, the change made in the allotment of the election symbol to Shri Shankar Singh by the Election Commission was brought home to all the contesting candidates well ahead of the commencement of the poll and there is absolutely no evidence forthcoming to show that any objection to the same was raised either by Shri Shankar Singh or the petitioner or any other contesting candidate. No evidence has been led by the petitioner to prove that this change in the election symbol allotted to Shri Shankar Singh had in any way prejudiced him or materially affected the result of the election in so far as it relates to the respondents or to him.

For the aforesaid reasons I hold that though the election symbol allotted to Shri Shankar Singh candidate was changed by the Election Commission twice, it possessed the necessary power in this behalf and that, in any case, the result of the election has not been materially affected by this circumstance. Issue No. 3 is decided accordingly.

*Issue No. 4—*

8. The evidence produced in this case shows that the list of contesting candidates was prepared by the Returning Officer in four different languages, first on the 4th February 1957, then on the 12th February, 1957 and finally on the 15th February 1957, *vide* Exs. R. 8, P. 5, P. 6, P. 7, P. 11 to P. 15, R. 11 and R. 29 Section 38 of the Representation of the People Act, 1951 provides that the Returning Officer

shall prepare and publish in such form and manner as may be prescribed a list of contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the prescribed period and that that list shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars as may be prescribed. Rule 11 (2) of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956 lays down that the alphabetical order referred to in sub-section (2) of section 38 of the said Act shall be determined with reference to the surnames of the candidates having surnames and the names proper of other candidates. Rule 11 (3) provides that if the list is prepared in more languages than one, the names of candidates therein shall be arranged alphabetically according to the script of such one of those languages as the Election Commission may direct.

It is urged by the petitioner that the list of contesting candidates originally prepared by the Returning Officer on the 4th February 1957 was not published in the official gazette and this non-compliance with the statutory provisions of law has vitiated the election. It appears that the list of candidates which was prepared first of all was not in proper alphabetical order and it was, therefore, amended on or about the 15th February 1957 or may be thereafter and the amended list, which was final, was published in the Gazette of India, dated the 7th May 1957, where of Ex. R. 29 is a copy. The requirements of law were thus fully complied with long before the poll was taken. I decide issue No. 4 against the petitioner.

#### Issue No. 5.

9. It was next urged by the petitioner that the ballot boxes for the contesting candidates were not placed in proper order in the polling compartments in the polling stations in the constituency. The only evidence on this issue consists of his own statement and that of Rikhi Ram P.W. 12. Rikhi Ram stated that the ballot boxes of Pandit Ram Nath Kalia bearing the symbol of a Horse and a Rider was lying on the right hand side as one entered the polling compartment at polling Station Cholali while that of Shri Hem Raj respondent was lying on the left hand side. He could not state where the ballot box bearing the symbol of two Bullocks in a Circle, which was the election symbol of Shri Daljit Singh respondent, was lying in the polling compartment. It was suggested in his cross-examination that his name was borne on Police Register No. 9. The statement of this witness is of a nature which can be easily manipulated in a case of the present type and it has failed to inspire confidence in me.

Shri Ram Nath Kalia petitioner examined himself as P. W. 17 and stated that when he went to the polling compartment of the polling station Cholali on the 11th, June 1957 he saw his ballot box lying on the extreme right hand side as one enters that compartment. He urges that his name being first in the list of contesting candidates as published in the Gazette of India, Ex. R. 29, it should have been placed on the extreme left hand side but actually it was placed last of all.

Shri Ram Nath R.W. 3 was the presiding officer at polling station Cholali and he stated that the ballot box of the contesting candidates were arranged according to the list of candidates supplied by the Returning Officer and that no complaint with regard to the arrangement of those ballot boxes was made to him either by the petitioner or his polling agent. He is a Block Development Officer and absolutely independent and disinterested witness and there is no reason as to why his statement should not be accepted at its face value.

Shri Jagdish Mittar Malhotra, Lecturer Government College, Tanda Urmur, R.W. 7 and Shri Sukhdev Singh Sodhi, Lecturer Government College, Tanda Urmur, R. W. 9, who were presiding officers at two different polling stations at Garhdiwala, stated that the ballot boxes were arranged in the polling stations in accordance with the instructions received from the authorities along with the list of candidates. I find no adequate reason to disbelieve their sworn testimony on this point, particularly when they are not interested in or related to any of the respondents or in any way inimically disposed towards the petitioners.

There were about a thousand polling stations in the Kangra Parliamentary Constituency. The petitioner has complained about the wrong arrangement of the ballot boxes with respect to one or two polling stations only. No evidence has been led to prove that the arrangement of the ballot boxes in the remaining polling stations was not proper and in conformity with the list of candidates.



Apart from this, the petitioner has hopelessly failed to prove that the arrangement of the ballot boxes, even if it was not perfectly in order, had materially affected the result of the election.

For the reasons given above, I decide issue No. 5 against the petitioner.

*Issue No. 6—*

10. The petitioner stated as P.W. 17 that one Gian Chand Harijan was brought to the Polling station located in the tahsil at Kulu by one Amolak Ram, who was a congress worker, that he falsely personated and gave his name as Shobhi Ram, which declaration was challenged by his polling agent, on which the presiding officer arrested Gian Chand who was prosecuted, convicted under section 171 F. of the Indian Penal Code and sentenced to pay a fine of Rs. 5/- on the 19th July 1957. That Gian Chand was prosecuted and convicted under section 171 F. of the Indian Penal Code and sentenced to pay a fine of Rs. 5/- on his pleading guilty to that charge on the 19th July 1957 is amply proved by Ex. P. 3, which is a certified copy of the Judgement of Shri Jagdish Chandra, Magistrate I Class, Kulu. There is however, no satisfactory evidence available to prove that Gian Chand was taken to the polling station at Kulu by Amolak Ram or any other congress worker. Amolak Ram has not been examined in this case by the petitioner and he has even not cared to examine his polling agent who, according to him, had detected the personation and brought it to the notice of the Polling Officer. When Gian Chand was arrested no chit was found on his person showing that he had been sent in for casting the vote by the respondents or any congress worker. The petitioner has not stated that he was present when the said personation took place.

Bhagwan Das R.W. 4 was the polling agent of Shri Hem Raj respondent at the polling station situated within tahsil premises at Kulu. He stated that there was no congress worker by the name of Amolak Ram present there nor was he an agent for any congress candidate. He further stated that when Gian Chand came to the polling station for casting the vote for the parliamentary seat after having cast vote for the assembly seat he gave out his name correctly and as he was a local man and his name did not correspond with the elector in whose name he wanted to cast vote, he and a son of the petitioner stopped him there and brought the matter to the notice of the presiding officer who ordered his arrest and he (Gian Chand) did not cast any vote for the parliamentary seat.

The petitioner has failed to prove that Gian Chand had personated at this election at the instance of the respondents or their agents or workers. Moreover, as he had not succeeded in exercising his right of casting vote for the parliamentary seats in question the result of the election in question cannot possibly be said to have been materially affected so far as returned candidates are concerned.

I decide issue No. 6 against the petitioner.

*Issue No. 7—*

11. The petitioner alleges that the respondents and their agents and workers had managed to get him arrested illegally with the assistance of the officials at Garhdiwala polling station in Hoshiarpur district on the 2nd June 1957 with the result that he was unable to approach his electors or propagate his cause and this amounted to a corrupt practice on their part. This allegation has been categorically denied by the respondents on solemn affirmation.

Kidar Nath P.W. 5, stated that Pushpindar Nath was a congress worker and he was the polling agent of Shri Daljit Singh respondent at polling station Garhdiwala and that he heard him asking the presiding officer "why does he not get the petitioner arrested and it was thereafter that the Police took away the petitioner from the verandah of the polling station to a place about 10 or 15 yards away. He further stated that an argument though not a heated one, had taken place between the petitioner and the presiding officer over irregularity brought to the notice of the latter by the former and it was thereafter that Pushpindar Nath suggested to the presiding officer that he may get the petitioner arrested. This witness was admittedly the polling agent of the petitioner at the said polling station and as such is interested in him. It is therefore, necessary that his evidence should be carefully scrutinized and accepted with caution.

The petitioner stated as P.W. 17 that Shri Jagdish Mittar Malhotra was the presiding officer at polling station at Garhdiwala, that he told him that the ballot boxes provided for the candidates should be arranged according to the list

exhibited outside and he replied that he had arranged the ballot boxes as per instructions received by him and that Pushpinder Nath, the polling agent of Shri Daljit Singh respondent enquired from the presiding officer why he was not arresting him (the petitioner), on which the presiding officer arrested him. He further stated that Sadhu Ram, the president of the Congress Committee at Garhdiwala, who happened to be present there had asked the presiding officer why he was delaying the matter. This statement of his is not corroborated by the evidence of Kidar Nath P. W. 5 who did not make any reference to Sadhu Ram or any remarks alleged to have been made by him. Moreover, the petitioner is an interested party and the statement in question, having been made in self interest, is not entitled to much weight and consideration unless it is corroborated by some independent and reliable evidence, which is lacking in this case.

Shri Pushpinder Nath R. W. 8, who is now employed as a Lecturer, R. K. Arya College at Nawan Shehar and who was the polling agent of Shri Daljit Singh at polling station Garhdiwala on the relevant date stated that he had never asked the presiding officer of that polling station why he was not ordering the arrest of Pandit Ram Nath Kalia nor had any other person or Sadhu Ram made any such request to the presiding officer in his presence. He further stated that Shri Ram Nath Kalia had obstructed the entrance of the polling compartment and declared that he would not allow the polling to take place till the irregularities pointed out by him were removed.

Shri Jagdish Mittar Malhotra, Lecturer Government College Tanda Urmur R. W. 7, who was the presiding officer at Polling station Garhdiwala stated that Shri Pushpinder Nath R. W. 8, agent of Shri Daljit Singh respondent, had not asked him to arrest Shri Ram Nath Kalia petitioner nor was any such suggestion made to him by Sadhu Ram. He further deposed that the petitioner had obstructed the polling and he also removed election symbols and some pamphlets containing instruction, on which he ordered his arrest. He was prosecuted under section 131 (2) of the Representation of the People Act, 1951 and sentenced to pay a fine of Rs. 100 by a 1st Class, Magistrate at Hoshiarpur. He further deposed that he had made a report about the disorderly conduct and behaviour of the petitioner on the 2nd June 1957 and Ex. 31 was true copy of the same.

It is sufficiently proved by the evidence of Shri Jagdish Mittar R. W. 7 and the documents Exs. R. 32, R. 33 and R. 34 that he as well as Shri Narindar Singh, Assistant Returning Officer and Shri Rattan Singh, District Magistrate, Hoshiarpur had offered to release the petitioner on bail on his executing a personal bond but he declined the offer and preferred to remain in the jail till the 25th June 1957 when the election was scheduled to close in all the area except Lahaul and Bara Bengal.

Shri Hem Raj respondent stated that neither he nor his polling agent or worker had any hand in the arrest of Pandit Ram Nath at polling station Garhdiwala.

The petitioner, I think, has failed to prove that he was arrested at polling station Garhdiwala at the instance or suggestion of the respondents or their polling agents or workers. Moreover, it is sufficiently proved in this case that the authorities concerned had offered to release him on bail immediately on his furnishing a personal bond but he did not avail of that offer and opportunity and intentionally remained in the jail for sometime after arrest. Furthermore it is not proved by any satisfactory and cogent evidence that the result of the election was materially affected by the petitioner's arrest and detention which, in my opinion, is not a corrupt practice on the part of the respondents or their agents.

12. The petitioner urges that the respondents and their agents and workers had made a systematic appeal to the electors to vote in their favour and refrain from voting in his favour on grounds of caste and community for the furtherance of the prospects of their election. Reliance in this connection is placed on the poster, Ex. P. 1, which was published by Sukhi Ram P. W. 4 in the name of Karam Chand Hazin, retired Tahsildar, General Secretary, Kashtraya, Ghirth, Bahti. Chanhang Maha Sabha, Punjab, on behalf of that Maha Sabha. Sukhi Ram got 5,000 copies of this poster printed and a number of witnesses have stated that they had seen such posters posted at several places within the limits of the Kangra Parliamentary Constituency. Those witnesses are P. Ws. 4, 7, 8, 9, 10, 11, 14 and 18.

Section 123 (3) of the Representation of the People Act provides *inter alia* that the systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting, on grounds of caste, race, community or religion, for the furtherance of the prospects of that candidate's election, is a corrupt practice. The petitioner alleges that by issuing the said posters, the respondents or their workers

had made a systematic appeal to the electors to vote in their favour on grounds of caste and community and as such they had committed a corrupt practice within the mischief of section 123 (3) of the said Act. I have gone through the contents of the poster, Ex. P. 1, very carefully but do not find anything therein which can bring it within the ambit of that provision of law. In this poster the services rendered by the congress to the backward classes for their uplift in educational, social, and political matters were acknowledged appreciated and extolled and it was further brought home to them that congress was the only political party which would ameliorate their conditions and help them still further in their uplift and appealed to them that in recognition of those services and for the betterment of their future they should cast their votes in favour of Shri Hem Raj and Shri Daljit Singh who were congress candidates. No appeal was made to them for casting vote or from refraining from voting on grounds of caste, race, community or religion. It is important to note that Shri Hem Raj respondent No. 1 is a Sud by caste while Shri Daljit Singh respondent is a member of the scheduled caste. None of them is a Kashatrya or Ghirt or Bahti or Chahang, on whose behalf the above mentioned appeal was issued. Moreover, the appeal as contained in the said poster was one act and not "systematic" appeal within the meaning of section 123 (3) of the Act and it is, therefore, not obnoxious to its provisions.

Apart from this, there is no satisfactory evidence forthcoming to show that the above mentioned appeal was made by any of the respondents or their agents or by any other person at their instance and with their consent. Shri Sukhi Ram P. W. 4 stated that the said posters were got printed by him and published as the congress had helped Bahtis in their social and political uplift and he considered it his duty to publish them. No attempt has been made by the petitioner to prove that the said appeal contained in the posters had really affected the minds of the electors to a large extent and the result of the election, in so far as it concerned the returned candidates, was materially affected thereby.

I am not satisfied that the respondents or their election agents or any other person with their consent or in their interest had made a systematic appeal to the electors in the matter of the exercise of their franchise on grounds of caste, race, community or religion. Thus, no corrupt practice under this head has been proved by the petitioner.

13. Dev Sharma P. W. 7 stated that one public meeting was held at Gagret on the 28th or 29th May 1957, which was addressed by Hans Raj and Kaka Ram who declared that there was a dispute between the landlords and occupancy tenants and as Pandit Ram Nath Kalra was a landlord, the voters should not vote for him and vote for the occupancy tenants. He admitted in the cross-examination that his wife is a daughter of the petitioner's sister. He is, therefore closely related to the petitioner and as such an interested person. His evidence has failed to impress me favourably. No independent person has come forward to state that any public meeting was held at Gagret where the electors were exhorted and asked to refrain from voting in favour of the petitioner.

Mathra Das P.W. 13, who was a polling agent for the petitioner at this election and is also his father's brother, stated that there is no land in the name of the petitioner and that the latter's father owns only about 7 kanals of land. The petitioner deposed that he was a co-sharer in a khata of land owned by him and others but his memory parted company with him when he was asked to give the area of the land owned by him. He has not placed upon the record a certified copy of the relevant entry from the revenue records to prove that he owns some land and is a landlord or a proprietor.

The election in question was contested by six candidates, including the petitioner and the respondents. No evidence has been produced by the petitioner to prove that any of these candidates is an occupancy tenant for whose benefit it was declared at the public meeting alleged to have taken place at Gagret that the electors should not vote for the petitioner as he was a landlord.

Shri Hem Raj respondent stated that no meeting had taken place at Gagret in connection with this election and he had not asked Hans Raj or any other person to make any appeal in his favour.

The petitioner, I think, has failed to prove that any public meeting was held at Gagret on or about the 28th May 1957 at the instance of the respondents or their agents or workers where the audience were exhorted not to cast vote in favour of the petitioner on the ground that he was a landlord. Moreover, such an appeal does not fall within the purview of sub-section (3) of section 123 of the Representation of the People Act. It is also not proved that this appeal had materially affected the result of the election.

14. The petitioner stated that he had gone to the polling station, Kulu on the 20th June 1957, where Shri Hem Raj respondent was present and that Shri Partap Singh, polling officer of that polling station was making propaganda against him and asking the voters, who were standing in a row, that they should exercise care in casting their votes lest they may also be arrested like him. Ex. P. 2 is a copy of the complaint which the petitioner had made to the presiding officer in that connection. All that he asserted in that complaint was that Shri Partap Singh polling officer was having discussions with Shri Hem Raj, a rival candidate, and that both were prejudicing the minds of the electors inside the polling station by narrating and discussing the event of his illegal arrest at Garhdiwala. He did not mention in that complaint that Shri Partap Singh had asked the voters that they should exercise care or caution in casting their votes lest they may also be arrested like him. Shri Hem Raj respondent has stated that Shri Partap Singh had not made any propaganda in his favour. The petitioner has not examined Shri Partap Singh as a witness nor has he produced any other independent person to substantiate the allegations made by him against him. We have, therefore an oath against oath so far this allegation goes and there is no reason as to why the evidence of the petitioner be given preference over that of Shri Hem Raj respondent.

I am not satisfied that Shri Partap Singh had made any propaganda in favour of any of the respondents or against the petitioner at the polling station, Kulu, where he was the polling officer or that he had asked the electors not to vote for the petitioner. Moreover, the petitioner has produced no evidence to prove that Shri Partap Singh was in the service of the Government when he was appointed as a polling officer. The petitioner and his counsel have not been able to draw my attention to any provision of law under which no person other than a Government Servant can be appointed as a polling officer. No such prohibition is contained in section 26 of the Representation of the People Act, which authorises the Returning Officer to appoint such polling officers as he thinks necessary. Section 21 of the Act provides that the Returning Officer shall be an officer of Government. Had the legislature intended that a polling officer should also be an officer of Government or a person in the service of the Government it would have expressed itself so in section 26, which it did not do. This being so, no presumption can be raised that Shri Partap Singh was a person in the service of the Government when he worked as a polling officer at this election. The corrupt practice under this head is also thus not proved.

15. The petitioner urges that the respondents had obtained the assistance of some Lambardars for the furtherance of the of the prospects of their election which was prohibited by sub-section (7) of section 123 of the Representation of the People Act. He stated that he visited the polling station Cholali in Kangra district on the 11th June 1957 and that he heard Sant Ram and Asa Ram, who were Lambardars, and some other persons saying that they had got him arrested and if any person would vote for him he too would be arrested. He further stated that he brought this matter verbally as well as in writing to the notice of the presiding officer and that when the latter refused to accept the written complaint he placed it on his table. Shri Ram Nath R.W. 3, who was the presiding officer at that polling station, gave a lie to the petitioner by stating that no complaint was made to him in that connection by him verbally or in writing nor was any written complaint placed by him on his table. He further stated that Asa Ram and Sant Ram were not present within the polling area. I have no reason to disbelieve him on this point as he is wholly independent and disinterested Gazetted Officer.

Rikhi Ram P.W. 12 stated that Sant Ram, Asa Ram and others were heard by him saying at polling station Cholali that no voter should vote for Pandit Ram Nath Kalia as he had been arrested and if he would vote for him he too would be arrested. Mathra Das P.W. 13 deposed that Sant Ram and Asa Ram had made a propaganda in the area of the polling station Cholali that the electors should vote for Shri Hem Raj respondent. He did not state that those persons had asked the electors not to vote for the petitioner. Moreover, he is a brother of the father of the petitioner and is thus very closely related to him.

Asa Ram and Sant Ram have not been examined by the petitioner to substantiate the above mentioned allegation made by him.

Apart from this no evidence has been produced by the petitioner to prove that Asa Ram and Sant Ram had made any systematic appeal to vote or refrain from

voting on grounds of caste, race, community or religion. They, therefore, did not commit any corrupt practice for which vicarious liability can be fastened on the respondents, particularly when there is nothing to prove or even to suggest that it was done at the instance of the respondents.

Furthermore, I am of the opinion that a "lambardar" is not a person in the service of the Government within the meaning of sub-section (7) of section 123 of the Representation of the People Act and as such the respondents did not commit any corrupt practice even if they asked them to make propaganda in their favour on grounds other than those of caste, race, community or religion.

For the aforesaid reasons, I hold that the petitioner has failed to prove that any of the respondents or their election agents or any other person with their consent or that of their election agents had committed any corrupt practice or that such a corrupt practice was committed in the interests of the respondents by some other persons. He has further failed to prove that the result of the election, in so far as it concerns the respondents, has been materially affected in case it is proved that any corrupt practice was committed in their interest by their election agent or some other person without their consent or the consent of their election agents. I decide issue No. 7 against the petitioner.

16. The petitioner has failed to substantiate any of the grounds on which he has attacked the election of the respondents. The respondents' election is valid and it cannot be declared to be void.

17. As a result of the above mentioned findings, the petition fails and is dismissed with costs to the respondents. I assess the costs at rupees five hundred which will be payable to the respondents in one half equal shares.

Announced. Petitioner and Shri Hem Raj respondent No. 1 are present.  
Dated, the 3rd October, 1958.

(Sd.) MANOHAR SINGH, Member,  
Election Tribunal,  
Hoshiarpur

[No. 82/481/37.]

By Order,

DIN DAYAL, Under Secy.

## MINISTRY OF EXTERNAL AFFAIRS

New Delhi, 23rd July/the 31st October, 1958

(To be substituted for this Ministry's notification of even number and date)

**S.O. 2300.**—The following officers have been appointed to the village Guards, Naga Hills-Tuensang Area, with effect from the dates and to the posts shown below against their names:—

1. IC 4339 Major M.R.P. Varma, Commandant, Village Guard, 5th March, 58 (Forenoon),  
Inf. (1 Dogra), Naga Hills Tuensang Area,  
Kohima.
2. SS-17611 Captain Bachan Adjutant, Village Guard, Naga 20th May, 1958 (Forenoon),  
Singh, (ASC) Hills-Tuensang Area,  
Kohima.
3. SS-17582 Captain Tika Ram O.C., Village Guard, Naga Hills- 31st May, 1958 (Forenoon),  
Thapa, OBI, Inf. (8 GR) Tuensang Area, Mokokchung  
Wing.
4. SS-17610 Captain Chandru, O.C., Village Guard Naga Hills- 24 May, 1958 (Forenoon),  
Thapa, OBI, MC, Inf. (8 GR) Tuensang Area, Kohima Wing.

[No. 737-NU.]

S. H. JAGAD, Under Secy.

**MINISTRY OF HOME AFFAIRS**

*New Delhi, the 31st October, 1958*

**S.O. 2301.**—In exercise of the powers conferred by sections 17 and 27 of the Indian Arms Act, 1878 (11 of 1878), the Central Government hereby makes the following further amendments in the Indian Arms Rules, 1951, namely:—

In Schedule VII to the said Rules, in the second column against entries (1—A) and (2),—

- (1) for the word "Revolvers", the words "Swords or Revolvers" shall be substituted; and
- (11) after the words "together with", the words "where necessary" shall be inserted.

[No. 31/1/58-P(IV).]

V. P. MITHAL, Under Secy.

**MINISTRY OF FINANCE**

**(Department of Revenue)**

**INCOME-TAX**

*New Delhi, the 28th October, 1958*

**S.O. 2302.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Government is pleased to appoint Shri Khazan Singh to be a Commissioner of Income-tax.

This notification shall be deemed to have taken effect from the forenoon of 10th October, 1958.

[No. 97(F.No.55/23/58-IT).]

A. K. MUKHERJEE, Under Secy.

**(Department of Revenue)**

**ORDER**

**STAMPS**

*New Delhi, the 3rd November, 1958*

**S.O. 2303.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty chargeable under the said Act in respect of the following instruments with effect from the dates specified against each, namely:—

- (1) Receipts obtained in respect of payment of amount due on a 10-Year Treasury Savings Deposit Certificate whether endorsed on the back of the certificate at the time of its discharge or taken separately.—1st February, 1951.
- (2) Receipts obtained in respect of amount due on a 15-Year Annuity Certificate whether endorsed on the back of the certificate at the time of its discharge or taken separately.—1st July, 1954.

[No. 36.]

G. S. SAWHNEY, Under Secy.

## (Department of Economic Affairs)

New Delhi, the 30th October 1958

## S. O. 2304—Statement of the Affairs of the Reserve Bank of India, as on the 24th October 1958

## BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	11,26,74,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	2,69,000
National Agricultural Credit (Long-term Operations) Fund . . . . .	25,00,00,000	Subsidiary Coin . . . . .	3,90,000
		Bills Purchased and Discounted :—	
National Agricultural Credit (Stabilisation) Fund . . . . .	3,00,00,000	(a) Internal . . . . .	..
Deposits :—		(b) External . . . . .	..
(a) Government—		(c) Government Treasury Bills . . . . .	9,99,000
(1) Central Government . . . . .	49,00,27,000	Balances held abroad* . . . . .	14,74,10,000
(2) Other Governments . . . . .	31,96,59,000	** Loans and Advances to Governments . . . . .	16,24,97,000
(b) Banks . . . . .	142,05,37,000	Other Loans and Advances† . . . . .	53,05,80,000
(c) Others . . . . .	114,47,83,000	Investments . . . . .	376,86,52,000
Bills Payable . . . . .	15,08,26,000	Other Assets . . . . .	9,68,05,000
Other Liabilities . . . . .	16,44,44,000		
TOTAL . . . . .	482,02,76,000	TOTAL . . . . .	482,02,76,000

Dated the 29th day of October, 1958.

\*Includes Cash &amp; Short term Securities.

\*\*Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 97,00,000/- advanced to scheduled banks against advance bills under Section 17(4)(c) of the Reserve Bank of India Act.

K. G. AMBEGAOKAR, Dy. Governor.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 24th day of October 1958.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department . . . . .	11,26,74,000		A. Gold Coin and Bullion—		
Notes in circulation . . . . .	544,70,02,000		(a) Held in India . . . . .	117,76,03,000	
Total Notes Issued . . . . .		1555,96,76,000	(b) Held outside India . . . . .	..	
			Foreign Securities . . . . .	164,67,56,000	
			TOTAL OF A . . . . .		282,43,59,000
			B. Rupee Coin . . . . .		139,16,81,000
			Government of India Rupee Securities . . . . .		1134,36,36,000
			Internal Bills of Exchange and other commercial paper . . . . .		..
TOTAL—LIABILITIES		1555,96,76,000	TOTAL—ASSETS . . . . .		1555,96,76,000

Dated the 29th day of October, 1958.

K. G. AMBEGAOKAR, Dy. Governor.

[No. F-3(2)-F. 1/58.]

A. BAKSI, Jt. Secy.



### ERRATA

In the weekly statement of the Affairs of the Reserve Bank of India, published in the Gazette of India, Part II-Section (3) (ii) dated 4th October, 1958 as S. O. 1996, the following Corrections are to be made:—

Page 1816, in the Assets Column under Banking Department—figures against Notes—

for “25, 16, 18,000” read 25, 61, 18,000”.

Page 1816,—Date at the foot of the statement relating to Banking Department—

for “24th day of September, 1258” read “24th day of September, 1958”.

In the Report of the Central Board of Directors of the Reserve Bank of India for the year July 1, 1957 to June 30, 1958, published on pages 1585—1602 of the Gazette of India, Part II—Section 3(ii) dated 13th September, 1958, the following corrections are to be made:—

Page 1585, at the beginning the S.O. No. should be 1829.

Page 1588, para 20, line 18, for Rs. 71.10 read Rs. 71.10.

Page 1591, para 33, line 5, for One read On.

Page 1591, para 33, line 17, for dealing read delink.

Page 1593, para 43, line 10, for supply to deficiencies read supply the deficiencies.

Page 1595, para 56, line 7, for . (full stop), read , (comma).

Para 1599, The figure against ‘other liabilities’ under column ‘Liabilities’ for 10, 41,46,436, read 10, 41,46,346.

Page 1602, line 2, for report of the Central Government read report to the Central Government.

Page 1585, para 4, line 16, for if, read it.

Page 1586, para 10, line 6, for . (Full Stop), read , (Comma).

Page 1594, para 50, line 5, for 35 : 25, read 35 . 25.

### CENTRAL BOARD OF REVENUE

#### INCOME-TAX

New Delhi, the 28th October 1958

**S.O. 2305.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that with effect from 10th October, 1958 (fore-noon) Shri Khazan Singh, who has been appointed by the Central Government to be a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of West Bengal as specified below:—

1. Companies District II, Calcutta.
2. Companies District IV, Calcutta.
3. District III(2), Calcutta.
4. Special Survey Circle I, Calcutta.
5. Special Circle II, Calcutta.
6. District I(I), Calcutta.
7. Non-companies (I.T. cum-E.P.T.) District II, Calcutta.
8. District IV(I), Calcutta.
9. District IV(3), Calcutta.
10. Special Survey Circle II, Calcutta.
11. Special Survey Circle III, Calcutta.

12. District V, Calcutta.
13. District I(2), Calcutta.
14. Special Survey Circle IV, Calcutta.
15. Special Survey Circle X, Calcutta.
16. District V-A, Calcutta.
17. Railways & Miscellaneous Salaries Circle, Calcutta.
18. District IV(2), Calcutta.
19. District II(I), Calcutta.
20. Special Survey Circle V, Calcutta.
21. Special Survey Circle IX, Calcutta.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Khazan Singh shall be designated as the Commissioner of Income-tax Calcutta with headquarters at Calcutta.

#### *Explanatory Note*

NOTE.—The amendments have become necessary due to a change in the incumbent of Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory.

[No. 98(F.No. 55/23/58-IT).]

**S.O. 2306.**—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject, the Central Board of Revenue hereby directs that Shri W. K. Gharpurey, a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Madras excluding the whole of Coimbatore District.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or of such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Gharpurey shall be designated as the Commissioner of Income-tax, Madras with headquarters at Madras.

This notification shall take effect on and from the 10th October, 1958 (forenoon).

#### *Explanatory Note*

NOTE.—The amendments have become necessary due to change in the incumbent of Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 99(F.No. 55/23/58-IT).]

A. K. MUKHERJEE, Under Secy.

LAND CUSTOMS

*New Delhi, the 8th November 1958*

**S.O. 2307.**—In exercise of the powers conferred by section 4 of the Land Customs Act, 1924 (19 of 1924), the Central Board of Revenue hereby makes the following further amendments in its notification No. 22-Customs, dated the 2nd February, 1952, namely:—

In the Schedule annexed to the said notification, under the heading "C-Land Customs areas under the jurisdiction of the Collector of Land Customs, Shillong,"—

- (i) under the sub-heading "AGARTALA I CIRCLE", the items "KRISHNA-KISHORE NAGAR" "SRIMANTAPUR", "AMLIGHAT" and "SUBRUM" and all entries relating thereto shall be omitted;
- (ii) under sub-heading "AGARTALA II CIRCLE", the item "RAGNA" and all entries relating thereto shall be omitted.

[No. 13.]

CUSTOMS

*New Delhi, the 8th November 1958*

**S.O. 2308.**—In exercise of the powers conferred by clauses (c) and (d) of section 11 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Board of Revenue hereby directs that the following amendments shall be made in its Notification No. 175-Customs, dated the 30th December, 1954, namely:—

In the said notification,—

- (I) In line 2 of the preamble, after the words and figures "section 11", the words and figures "and section 53" shall be inserted.
- (II) The word "and" occurring at the end of clause (i) shall be omitted.
- (III) After clause (ii), the following shall be inserted, namely:—  
"and (iii) appoints the places as specified in Col. 5 of the said table, for the delivery of manifests under section 53 of the Sea Customs Act, 1878".
- (IV) In the Schedule, after column 4, the following column, heading and entries shall be added, namely:—  
"Places appointed for the delivery of manifests under section 53 of the Sea Customs Act, 1878."

5

Within the Port limits declared in Notification No. 174-Customs, dated the 30th December, 1954 issued under clause (b) of section 11 of the Sea Customs Act, 1878."

[No. 282.]

M. C. DAS, Secy.

MINISTRY OF COMMERCE & INDUSTRY

TRADE MARK

*New Delhi, the 30th October 1958*

**S.O. 2309.**—In exercise of the powers conferred by the Proviso to article 309 of the Constitution, the President hereby makes the following rules regulation the methods of recruitment to Class IV Posts in the Trade Marks Registry, namely:—

**1. Short Title.**—These rules may be called the Trade Marks Registry Class IV Recruitment Rules, 1958.

**2. Method of recruitment.**—Recruitment to Class IV Posts in the Trade Marks Registry shall be in accordance with the provisions of the Schedule annexed hereto.

## SCHEDULE

*Recruitment rules for class IV Posts in the Trade Marks Registry*

S. No.	Name of Post	Scale of pay	Whether a selection or a non-selection post	Age limit for direct recruitment	Educational and other qualification required for direct recruitment	Whether age and educational qualifications prescribed for direct recruits will apply in case of recruitment by promotion/transfer.
1	2	3	4	5	6	7
1.	Record keeper	Rs. 40-1-50-2-60	Selection post.	No direct recruitment	..	..
2.	Daftary	35-1-50	Non-Selection post.	Do	..	..
3.	Jamadar	35-1-50	Non-Selection post	Do	..	..
4.	Peon	30-1-35	..	25 years	Middle school Standard	Only educational qualifications prescribed for direct recruits will apply in case of transfer.
5.	Farash	30-1-35	..	25 years	..	No.

**DULE**

*including its Branches at Calcutta & Bangalore*

Method of recruitment (i.e., whether by direct recruitment, by promotion or by transfer) & percentage of vacancies to be filled by various modes	In case vacancies filled by promotion/transfer, grades sources from which promotion/transfers are to be made	Composition of D. P.C. for direct recruitment/promotion/transfer	Remarks
8	9	10	11
By promotion.	Appointment to this post should be made by promotion on a selection basis from amongst the Duffries on the recommendation of the D.P.C. of the office.	1. Assistant Registrar of Trade marks. 2. Administrative Officer. 3. Examiner of Trade marks.	The upper age limit prescribed for direct recruitment will be relaxed in case of S.C./ST. and displaced persons in accordance with the orders issued by the Govt. of India Min. of Home Affairs from time to time.
By transfer if a suitable candidate is available, otherwise by promotion.	Appointment to this post should be made by transfer from the grade of Jamadar if a suitable candidate is available otherwise by promotion from amongst the Peons on the recommendation of the D.P.C. of the office.	For the Branch Registry at Calcutta the D.P.C. shall consist of Examiner of Trade Marks, Assistant Examiner of Trade Marks, Assistant Examiner of Trade Marks and Assistant Superintendent.	
By promotion.	Appointment to this post should be made by promotion amongst the peons on the recommendations of the D.P.C. of the office.		
By transfer if a suitable candidate is available, otherwise by direct recruitment.	Appointment to this post should be made by transfer from the grades of the Farash or Chowkidar if a suitable candidate is available; otherwise by direct recruitment through local Employment Exchange on the recommendation of the D.P.C. of the office.	For the Branch Registry at Bangalore the D.P.C. shall consist of the Examiner & Deputy Registrar of Trade Marks, Asstt. Examiner of Trade Marks and Assistant Superintendent.	
Do.	Appointment to this post should be made by transfer from the grade of Chowkidar if a suitable candidate is available; otherwise by direct recruitment through local employment Exchange on the recommendation of the D.P.C. of the office.		

1	2	3	4	5	6	7
Rs.						
6.	Chowkidar.	30- <del>1</del> -35	..	25 years.	..	..
7.	Sweeper.] .	30- <del>1</del> -35]	..	25 years	..	..

8

9

10

11

By direct recruitment  
through local Em-  
ployment Exchange  
on the recommenda-  
tion of the D.P.C.  
of the office.

Do

..

[No. F. 10(19)-TMP/58.]

T. S. KUNCHITHAPATHAM, Under Secy.

*New Delhi, the 1st November 1958*

**S.O. 2310.**—The following amendment made by the Saurashtra Oil and Oil Seeds Association Ltd., Rajkot to its rules in exercise of the powers conferred on it by sub-section (1) of section 9A of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), and approved by the Central Government, is hereby published as required by sub-section (2) of that section, namely:—

“In the said rules, Article 33 shall be renumbered as Article 35 and for the Article so renumbered, the following shall be substituted, namely:—

35. (a) The Board shall consist of not more than 25 Directors constituted, as under:—

- (i) Not more than eight persons to be elected by the members at the General Meeting from among the members of the Association.
- (ii) Not more than ten persons to be elected by the members of the respective Rings at the rate of 2 Directors per each Ring from among the members of the respective Rings.

The election of the Directors shall be held at the respective Rings.

- (iii) One person to be appointed by the Central Government as its representative.
- (iv) Not more than 3 persons to be appointed by the Central Government to represent interests not directly represented through the membership of the Association.
- (v) Not more than 3 persons, whether members of the Association or not, to be co-opted by the Directors elected or appointed as per (i), (ii), (iii) and (iv) above.

(b) At the date of the adoption of these Articles, the following persons are the Directors of the Association and they shall hold office till new Directors are elected as provided in the Articles:—

- (1) Shree Abdul Hussein Gullam Hussein Merchant.
- (2) " Bhogilal Velchand Shah.
- (3) " Maganlal Nathoobhai Patel.
- (4) " Mukundrai Popatlal Gandhi.
- (5) " Harjivandas Vithaldas Bardnwala.
- (6) " Kantilal P. Shah.
- (7) " Narandas Kamalshi.
- (8) " Narshldas Hiralal.
- (9) " Jamiyatram Kapurchand Mody.
- (10) " Ratilal Nyalchand Chitalia.
- (11) " Ramanlal Prabhudas Shah.
- (12) " Narandas Jethalal Sonecha.

(c) The first election of Directors as provided in clause (a)(i) and (ii) herein, shall be held at a special meeting of the Association to be convened within a period of 2 months from the commencement of trading in the Rings.”

[No. 33(19)-TMP/FMC/58.]

K. V. VENKATACHALAM, Jt. Secy.

*New Delhi, the 3rd November 1958*

**S.O. 2311.**—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following further amendment in the Cotton Textiles (Production by Handloom) Control Order, 1956, namely:—

In the said Order:—

In sub-clause (1) of clause 4, for the figures and words “30th September, 1958” the figures and words “31st March, 1959” shall be substituted.

[No. F.4(79)TEX(C)/58.]

M. S. SADASIVAN, Under Secy.



## ORDER

*New Delhi, the 31st October 1958*

**S.O. 2312/IDRA/6/13 Am.(5).**—In exercise of the powers conferred by section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri P. N. Talukdar, Managing Director, Hindusthan Development Corporation Ltd., Calcutta, as a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 205, dated the 4th March 1958, for the scheduled industries engaged in the manufacture and production of Soaps, Paints and Plastics to be known as the Development Council for Oil-based and Plastics Industries, and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order under the category of members "being persons who in the opinion of the Central Government are capable of representing the interests of owners of industrial undertakings in the said scheduled industries" after entry No. 5 relating to Shri Minoo J. Wadia, the following entry shall be inserted, namely:

"5A. Shri P. N. Talukdar, Managing Director, Hindusthan Development Corporation Ltd., 1, Stephens Road, P.O. Tollygunge, Calcutta-33."

[No. 5(32)IA(II)(G)/57.]

R. J. BHOJWANI, Under Secy.

## ORDER

*New Delhi, the 4th November 1958*

**S.O. 2313.**—In pursuance of rule 9 of the Development Councils (Procedural) Rules, 1952, made under Section 6 of the Industries (Development and Regulation) Act, 1951, the Central Government hereby ratifies the appointment of Shri A. M. M. Arunachalam, Managing Director, Messrs T.L. Cycles of India Ltd., Ambattur, Madras, as a substitute to take the place of Shri B. A. Forsyth, a non-official member of the Development Council for Bicycles, for the purpose of attending the 13th meeting of the Council which was held in New Delhi on the 4th August 1958.

[No. 4(56)IA(II)(G)/58.]

A. K. CHAKRAVARTI, Under Secy.

*Bombay, the 10th October 1958*

**S.O. 2314.**—In exercise of the powers conferred on me by clause 22 of the Cotton Textiles (Control) Order, 1948, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 80-Tex. 1/48(lif) dated the 2nd August 1948, namely:—

In the said notification, in the Table below paragraph 5, for entries in columns 1, 2 and 3, against serial No. 2 the following shall be substituted, namely:—

1	2	3
"2.	Where the average count of yarn used in the cloth is 17s or finer but is less than 26s.	Lower Medium.
2A.	Where the average count of yarn used in the cloth is 26s or finer but is less than 35s.	Higher Medium."

[No. TC(3)43/48.]

D. S. JOSHI,  
Textile Commissioner.

[No. 2(6)-Tex(A)/58-3.]

## CORRIGENDUM

*Bombay, the 28th October 1958*

**S.O. 2315.**—In the Ministry of Commerce and Industry's Notification No. S. O. 2076 dated the 27th August, 1958, published at pages 1874 to 1881 of the Gazette of India Extraordinary, Part II, Section 3(ii) dated the 11th October, 1958.

- (i) At page 1876, in line 7 of sub-paragraph (a) of paragraph 3, for "confirm" read "confirm".
- (ii) At page 1877, in line 10 of sub-paragraph (1) of paragraph 3, for "sub-paragraph (3)" read "sub-paragraph (8)".
- (iii) at page 1880, in schedule 'A' appended to the said notification.
  - (1) under the column 4 against C.P. I & II for "780" read "720".
  - (2) under the column 13 against Central India, for "46" read "45".
  - (3) under the column 8, against H—420, for "15" read "5".

D. S. JOSHI,  
Textile Commissioner.

[No. F.24(44)Tex(A)/57.]  
V. V. NENE, Under Secy

(Indian Standards Institution)

New Delhi, 29th October 1958

**S.O. 2316.**—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that three licences, particulars of which are given in the Schedule hereto annexed, have been renewed for a period of one year.

THE SCHEDULE

Sl. No.	Licence No. and date	Period of Validity		Name and Address of the Licensee	Article, Process covered by the licence.	Relevant Indian Standard
		From	To			
1	CM/L-20 24-10-1956	24-10-1958	23-10-1959	M/s Shree Digvijay Cement Co. Ltd., Sikka, (Via Jamnagar)	Ordinary Rapid-Hardening and Low Heat Portland Cement	IS: 269-1951 Specification for Ordinary Rapid-Hardening and Low Heat Portland Cement.
2	CM/L-39 4-11-1957	16-11-1958	15-11-1959	M/s Rashtriya Metal Industries Ltd., Kurla Road, Andheri (East), Bombay-41.	Wrought Aluminium Utensils-Grade A	IS: 21-1953 Specification for Wrought Aluminium for Utensils.
3	CM/L-40 4-11-1957	Do.	Do.	Do.	Aluminium Sheets, Strips and Circles.	Do.

[No. MDC/12(43.)]

*New Delhi, the 3rd November 1958*

**S.O. 2317**—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established during the period 16th to 31st October 1958.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1.	IS: 12-1958 Guide for Drafting Indian Standards ( <i>Revised</i> )	IS: 12-1949 Style Manual for Drafting Indian Standards.	This Indian Standard covers primarily the method of presentation, composition and editorial practice to be followed in the preparation of Indian Standard Specifications, Test Methods, Codes of Practice, Guides, etc. It would also be useful in compiling certain types of technical reports and similar other documents. (Price Rs. 3.50)
2.	IS: 1269-1958 Specification for Metric, Woven Metallic Tape Measures		This standard prescribes the requirements for metric, woven metallic tape measures intended for use where it is not possible to employ rigid measures of length. It covers tape measures in the denominations of 2, 5, 10, 20, 30 and 50 metres. (Price Rs. 1.50)

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, "MANAK BHAVAN", 9 Mathura Road, New Delhi—1 and also at its Branch Offices at (i) 40/40A Cawasji Patel Street, Fort, Bombay—1, (ii) P—11, Mission Row Extension, Calcutta—1 and (iii) 2/21, First Line Beach, Madras—1.

[No. MDC/11(4).]

C. N. MODAWAL,  
Deputy Director (Marks).

DELHI DEVELOPMENT AUTHORITY

*New Delhi, the 30th September 1958*

**S.O. 2318**—Whereas, I. G. Mukharji, Vice-Chairman, Delhi Development Authority and Competent Authority, under the Slum Areas (Improvement and Clearance) Act, 1956 (No. 96 of 1956) upon a report from my officers and other information in my possession am satisfied that the most satisfactory method of dealing with the conditions in the slum areas described in the Schedule below, is the demolition of all the buildings in the arear.

Now, therefore, I, under the powers vested in me under section 9(1) of the said Act, hereby declare the areas mentioned in the Schedule below to be clearance areas.

SCHEDULE

S. No.	Ward No.	House Nos.	Locality
1.	I	766 & 772 to 774.	Chabi Ganj.
2.	X	898-922 . . .	Between Tiraha Behram Khand and Kamra Bangesh.
3.	XI	1487 . . .	Kalan Mahal.
4.	XI	2579-90 . . .	Near Tiraha sBehram Khan.
5.	XIV	8355 . . .	Karra Gauri Shankar Near sFilmstan
6.	XV	6108-18 and 5990-92 .	Nabi Karim
7.	Do.	5954-76 . . .	Do.
8.	Do.	6236-39, 6298-6314 6341-51, 6282-88, 6290-17, 6207-33	Do.
9.	Sarai Rohilla	Village Abadi bounded as follows :—	
	South:	Old Rohtak Road.	
	East:	Capital Industries.	
	North :	Open Land, Ministry of Rehabilitation double storeyed quarters.	
	West :	Police post.	

[No. 2(5)58-SC.]

G. MUKHARJI.  
Competent Authority.

CENTRAL EXCISE COLLECTORATE, BARODA

CENTRAL EXCISE (TOBACCO)

Baroda, the 19th August 1958

S.O. 2319.—The following amendment shall be made in this Collectorate Notification No. 3/1957 dated 9th March, 1957.

The following portion occurring at the end of paragraph 4 of the said Notification shall be deleted:—

'If the tobacco has on the date of actual destruction or denaturation, completed the period fixed for warehousing or storage in the curer's store room or curing yard, including extensions it shall be destroyed or rendered unfit as above under the joint supervision of the Superintendent/Deputy Superintendent and an Inspector of Central Excise.'

[No. 5/1958.]

G. KORUTHU, Collector.

OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE GOA  
FRONTIER DIVISION, BELGAUM

NOTICES

Belgaum, the 30th October 1958

S.O. 2320.—Whereas it appears that the marginally noted goods which were seized by the Jamadar C. Ex. and Customs, Honavar at a place known as "Heramath" in the vicinity of the Indo-Goa Border on 30th January, 1958 were imported by Sea from Goa (Portuguese territories in India) in contravention of the Government of India Ministry of Commerce and Industries Import Control

	Mds.	Seers
(1) Goa betelnuts	3	9
(2) Goa Country liquor.	7 double	Khujas.

Order No. 17/55 dated 7th December, 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of item No. 1 noted in the margin).

Government of India Ministry of Finance (C.R.) Notification No. 2 Camp Cus. dated 28th January, 1946 issued under Section 19 of the Sea Customs Act, 1878 (in respect of item No. 2 noted in the margin).

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division, Belgaum why the above mentioned goods should not be confiscated under Section 167(8) read with Section 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-186/58.]

S.O. 2321.—Whereas it appears that the marginally noted goods which were

1. Five bags of Goa betelnuts.	5 Bmds.	seized by the Customs and Central Excise, Inspector, Satarda at a place known as "Ghatpat" in the vicinity of the Indo-Goa Border on 15th June, 1958 were imported by land from Goa (Portuguese territories in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India Ministry of Commerce and Industries Import Control Order No. 17/55 dated 7th December, 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of item No. 1 noted in the margin).
2. Water proof bag.	One	

2. Now therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) and 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1)(c) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-210/58.]

S.O. 2322.—Whereas it appears that the marginally noted goods which were

Husked Goa Betelnuts } 5 Bmds & in seven packages. } 10 Serrs.	seized by the Inspector, Central Excise and Customs, Sasoli in the jurisdiction of Custom Chowky No. 41 at a place known as "Dharwat" in the vicinity of the Indo-Goa Border on 20th June, 1958 were imported by land from Goa (Portuguese territories in India) in contravention of Section 5(1) of the Land Customs Act, 1924 and the Government of India Ministry of Commerce and Industries Import Control Order No. 17/55 dated 7th December, 1955 issued under Section 3 of the Imports and Exports Control Act, 1947 and further deemed to have been issued under Section 19 of the Sea Customs Act, 1878 (in respect of item noted in the margin).
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2. Now Therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise and Land Customs, Goa Frontier Division Belgaum why the above mentioned goods should not be confiscated under Section 5(3) of the Land Customs Act, 1924 read with Section 167(8) and 168 of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 7(1) (c) of the Land Customs Act, 1924, read with Section 167(8) of the Sea Customs Act, 1878.

3. If such a owner fails to turn up to claim the above mentioned unclaimed goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-251/58.]

E. R. SRIKANTIA, Asstt. Collector.

## THE MADRAS CENTRAL EXCISE COLLECTORATE

### AMENDMENT

Madras, the 18th October 1958

S.O. 2323.—In this Collectorate Notification C No. VI/kk/21/9/56-CCPol. dated 7th July, 1958, for the words "The name of the manufacturer" appearing against item (i) of the first paragraph, please read "The name and place of the manufacturer".

[C. No. VI/kk/21/9/56-C.E.Pol.]

S. P. KAMPANI, Collector.

## NARCOTICS DEPARTMENT

Simla, the 31st October 1958

S.O. 2324.—In pursuance of sub-rule (i) of rule 4 of the Dangerous Drugs (Import, Export and Transhipment) Rules, 1957, it is hereby notified that every application for the issue of import certificate in respect of dangerous drugs to be sent to the undersigned, shall state the following details namely:—

1. Name and address of the importer.
2. Whether the import is:—
  - (i) Sole Agent of manufacturers abroad,
  - or
  - (ii) Manufacturer of preparations containing 'manufactured drugs'.
3. Exact description and quantity of drug to be imported.
4. Form in which the drug is to be imported (power/ampules/tabled etc.).
5. Quantity in terms of pure alkaloid content.
6. State Excise permit No. dated
7. Name and address of the firm in the exporting country from which the drug is to be imported.
8. Name of Customs port or Post Office at which delivery is to be taken.
9. Whether the importer desires to import by sea/land/air/parcel post.
10. Licence No. dated issued under the Dangerous Drugs Rules.
11. Quantity of drug allowed to be possessed at a time under Dangerous Drugs Licence.
12. Present stock of the drug with the importer.
13. Whether the applicant holds any import certificate against which the drug has not been received on the date of application and if so what is the quantity of the drug to be received and the number and date of the outstanding import certificate
14. Distribution of the quantity to be imported (quantity to be estimated from pending indents and actual transactions in the preceding years):—
  - (i) for supply within the State where importer has his place of business.
  - (ii) for supply out of that State giving particulars of the States, names and addresses of the indentors and the quantity required by each of them.
15. Quantity of drug imported during the last three years.

It is certified that the drug is required solely for medical and scientific purposes.

Signature .....

Designation .....

Date.....

[No. F.17/Tech./58.]

**S.O. 2325.**—In pursuance of sub-rule (i) of rule 6 of the Dangerous Drugs (Import, Export and Transshipment) Rules, 1957, it is hereby notified that the application for the issue of export authorisation in respect of dangerous drugs to be sent to the undersigned, shall state the following details namely:—

1. Name, address and business of exporter.
2. Exact description and amount of drug to be exported.
3. \*Quantity in terms of pure alkaloid content.
4. Name and address of the firm in importing country requiring the drug.
5. Number and date of import certificate and indication of the authority issuing this certificate.
6. Name of Customs House through which export is to be effected.
7. If possible, name of vessel and the date on which it will leave India.
8. If possible, the route to be followed by the goods.
9. Remarks, if any.

Signature.....

Designation.....

Date.....

\*N.B. This is in respect of the finished alkaloids.

[No. F.17/Tech/58.]

TILAK RAJ,  
TILAK RAJ, Narcotics Commissioner.

## MINISTRY OF SCIENTIFIC RESEARCH & CULTURAL AFFAIRS

*New Delhi, the 15th September 1958*

**S.O. 2326.**—In exercise of the powers conferred by Section 11 of the Copyright Act, 1957 (14 of 1957), the Central Government hereby Constitutes the Copyright Board consisting of:—

### *Chairman*

1. Shri P. Satyanarayana Rao, Member, Law Commission.

### *Members*

2. Shri B. N. Lokur, Joint Secretary & Legal Adviser, Department of Legal Affairs, Ministry of Law.
3. Dr. A. M. D'Rozario, Joint Educational Adviser, Ministry of Scientific Research and Cultural Affairs.

The Chairman and the members shall hold office for a term of three years from the date of the issue of this notification.

[No. F. 17-25/57-Copt.]

A. K. GHOSH, Jt. Secy.

## MINISTRY OF WORKS, HOUSING AND SUPPLY

### *CORRIGENDUM*

*New Delhi, the 16th September 1958*

**S.O. 2327.**—In the notification of the Government of India in the Ministry of Works, Housing and Supply No. S.O. 1362 dated the 7th July 1958, published at page 1193 of the Gazette of India Part II section 3(ii) dated the 12th July, 1958, for "24th December, 1955" read "13th December, 1955".

[No. 3/1/55-Acc.]

R. C. MEHRA, Under Secy.



**MINISTRY OF TRANSPORT AND COMMUNICATIONS**

**(Department of Transport)**

**(Transport Wing)**

*New Delhi, the 30th October 1958*

**S.O. 2328.**—In pursuance of clause (f) of sub-section (2), of section 28 of the Indian Merchant Shipping Act, 1923 (21 of 1923), the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Department of Commerce No. 31-MII(5)/34 dated the 22nd May, 1937, namely:—

In the said notification in the table of scales, for item No. (8) the following shall be substituted, namely:—

(8) Dry fish at sea daily	.. ..	0-4-0	0-4-0
or			
fresh fish at sea daily	.. ..	0-6-0	0-6-0

[No. F.12-MT(90)158.]

**MERCHANT SHIPPING**

*New Delhi, the 8th November 1958*

**S.O. 2329.**—In exercise of the powers conferred by rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Calcutta) Rules, 1954, the Central Government hereby appoints Captain J. Wharry as member representing the Shipowners on the Seamen's Employment Board at the port of Calcutta in place of Captain A. McSweeney who has resigned, and makes the following amendment in the notification of the Government of India in the Ministry of Transport No. 15-MS(1)/57 dated the 11th March, 1957, namely:—

In the said notification, for entry No. 9, the following entry shall be substituted, namely:—

"9. Captain J. Wharry".

[No. 15-MT(5)/58.]

**S. K. VENKATACHALAM, Dy. Secy.**

**MINISTRY OF REHABILITATION**

*New Delhi, the 3rd November 1958*

**S.O. 2330.**—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the following further amendments shall be made in the Schedule to the Notification of the Government of India in the Ministry of Rehabilitation No. S.R.O. 632, dated the 28th February, 1957, namely:—

1. In Part II relating to General Central Service, Class III—

- (a) Under the heading "Office of the Chief Settlement Commissioner", for the words and brackets "Deputy Chief Settlement Commissioner (Administration)" in columns 2 and 3, the words and brackets "Settlement Commissioner (Administration)" shall be substituted;
- (b) the heading "Offices of the Superintending Valuation Officer, Valuation Officer and Assistant Valuation Officer" and the entries thereunder shall be omitted;
- (c) for the heading "Offices of the Regional Settlement Commissioners, Settlement Officers, and Assistant Settlement Officers", the heading "Offices of the Regional Settlement Commissioners and their sub-offices" shall be substituted;
- (d) under the heading "Offices of the Custodians of Evacuee Property and their sub-offices", for the words "Deputy Chief Settlement Commissioner-cum-Deputy Custodian General" in column 5, the words "Custodian General of Evacuee Property" shall be substituted;

- (e) after the entries under the heading Pay and Accounts Organisation, New Delhi/Bombay/Calcutta", the following shall be inserted, namely:—

1	2	3	4	5
"Office of the Superintendent, Prototype Training-cum-Production Centre.				
All posts . . .	Head of Office.	Head of Office.	All	Joint Secretary, Ministry of Rehabilitation".

2. In part III relating to General Central Service, Class IV—

- (a) under the heading "Office of the Chief Settlement Commissioner", for the words "Deputy Chief Settlement Commissioner" in column 5, the words and brackets "Settlement Commissioner (Administration)" shall be substituted;
- (b) under the heading "Offices of the Custodian of Evacuee Property and their sub-offices", the word "Deputy" occurring after the word "otherwise" in column 5, shall be omitted;
- (c) for the heading "Offices of the Regional Settlement Commissioners, Settlement Officers and Assistant Settlement Officers in the Region", the heading "Offices of the Regional Settlement Commissioners and their sub-offices" shall be substituted;
- (d) after the entries under the heading "Pay and Accounts Organisation, New Delhi/Bombay/Calcutta", the following shall be inserted, namely:—

1	2	3	4	5
"Office of the Superintendent, Prototype Training-cum-Production Centre.				
All posts . . .	Head of Office.	Head of Office.	All	Deputy Secretary, Ministry of Rehabilitation".

[No. 2/8/57-AV.]

V. P. BHATNAGAR, Under Secy.

(Office of the Chief Settlement Commissioner)

ORDERS

New Delhi, the 28th October 1958

S.O. 2331.—In exercise of the powers conferred on me by sub-section (3) of Section 55 of the Administration of Evacuee Property Act (31 of 1950). I, L. J. Johnson, I.C.S., Custodian General, hereby delegate to Shri H. C. Asthana, Custodian Evacuee Property, U.P. cum Deputy Custodian General, all powers vested in me under the said Act, in so far as the State of U.P. is concerned.

[No. 1(1)-Prop(Admn)/58.]

**S.O. 2332.**—In exercise of the powers conferred upon me by Sub-Section (1) of Section 8 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, L. J. Johnson, I.C.S., Chief Settlement Commissioner, do hereby authorise Shri V. B. Bhambani, Assistant Settlement Officer, Rohtak, to make payment of compensation to displaced persons, out of the Compensation Pool, by transfer of allotable property or otherwise, in accordance with the provisions of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955 in addition to the officers already authorised *vide* this Office Order No. F. 4(6)Comp.-II/57, dated 10th October, 1957, 19th December, 1957, 27th February, 1958, and orders of even number dated 22nd July, 1958 and 9th August, 1958, respectively.

[No. F. 4(6)Comp.-II/57-Policy-I.]

L. J. JOHNSON,  
Chief Settlement Commissioner.

## MINISTRY OF LABOUR AND EMPLOYMENT

*New Delhi, the 4th November 1958*

**S.O. 2333.**—Whereas the Central Government is satisfied that the employees in the Thorium/Uranium Plant, Trombay, belonging to the Department of Atomic Energy, are in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the said Act and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. HI-6 (250)/57, dated the 27th June, 1958, the Central Government hereby exempts the Thorium/Uranium Plant, Trombay, from all the provisions of the said Act.

[No. F. HI-6(250)/57.]

BALWANT SINGH, Under Secy.

*New Delhi, the 4th November 1958*

**S.O. 2334.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Digwadih Colliery of M/s Tata Iron and Steel Co. Ltd., and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 35 OF 1958

### PARTIES:

*Employers in relation to the Digwadih colliery of Messrs. Tata Iron & Steel Co. Ltd.*

AND

*Their workmen.*

*Dhanbad, the 16th October 1958*

### PRESENT:

Shri Salim M. Merchant, B.A.L.L.B.,—*Chairman.*

### APPEARANCES:

Shri S. S. Mukherjea, B.Sc. B.L.,

Advocate, with Shri G. Prasad, Chief Personnel Officer—for the employers.

Shri Shankar Singh,

General Secretary, Tata Collieries Workers Union—for the workmen.

State: Bihar

Industry: Coal.

### AWARD

The Government of India, Ministry of Labour & Employment, by Order No. LR.II/2(60)/58 dated 9th June 1958 made in exercise of the powers conferred by

1. In the case of the workers of the Digwadih colliery, the Government of India, Ministry of Labour and Employment, has been pleased to pass an award in terms of the provisions of the Industrial Disputes Act, 1947, dated 16th June 1958. The award is in the following terms:—

2. The Government of India, Ministry of Labour and Employment, has been pleased to pass an award in terms of the provisions of the Industrial Disputes Act, 1947, dated 16th June 1958. The award is in the following terms:—

3. At to-day's hearing the parties have filed the terms of settlement reached between them and have prayed that an award be made in terms thereof. A copy of the terms of settlement is annexed hereto and marked Annexure 'A'. As I am satisfied that the terms of settlement are fair and reasonable I make an award in terms of Annexure 'A' which shall form part of this award.

4. The Government of India, Ministry of Labour and Employment, has been pleased to pass an award in terms of the provisions of the Industrial Disputes Act, 1947, dated 16th June 1958. The award is in the following terms:—

5. The Government of India, Ministry of Labour and Employment, has been pleased to pass an award in terms of the provisions of the Industrial Disputes Act, 1947, dated 16th June 1958. The award is in the following terms:—

6. The Government of India, Ministry of Labour and Employment, has been pleased to pass an award in terms of the provisions of the Industrial Disputes Act, 1947, dated 16th June 1958. The award is in the following terms:—

7. The Government of India, Ministry of Labour and Employment, has been pleased to pass an award in terms of the provisions of the Industrial Disputes Act, 1947, dated 16th June 1958. The award is in the following terms:—

REFERENCE No. 35 OF 1958

Employers in relation to the Digwadih colliery of Messrs. Tata Iron and Steel Co. Ltd.

THEIR WORKMEN.

The above Reference has been considered by the Industrial Disputes Tribunal, Dhambad, and the following award has been made:—

1. That the Government of India, Ministry of Labour and Employment, has been pleased to pass an award in terms of the provisions of the Industrial Disputes Act, 1947, dated 16th June 1958. The award is in the following terms:—

2. That the Government of India, Ministry of Labour and Employment, has been pleased to pass an award in terms of the provisions of the Industrial Disputes Act, 1947, dated 16th June 1958. The award is in the following terms:—

3. That the above award shall be in force from the date of its pronouncement.

4. That Shri Janardhan Dubey accepts the above terms.

DHANBAD, The 16th October 1958.

General Secretary, The Tata Collieries Merchant, B.A.L.B.—Chairman

For the Employers.

For the Workmen.

General Secretary, Tata Collieries Workers Union—

Chairman,

Central Govt. Industrial Tribunal, Dhambad.



(v) Estimated number of workmen affected or likely to be affected by the dispute:—Three.

Signature of the Parties.  
(Sd.) B. L. AGARWALL,  
Director,

Central Bhowra Coal Co. (P) Ltd.  
Representing Employers.

(Sd.) Witnesses (1) (2)  
Illegible.

(Sd.) CHINMOY MUKERJEE,  
President,

Eastern Coal Co. Colliery  
Workers' Union.

(Sd.) MD. SALAHUDDIN  
Secretary,

Eastern Coal Co. Colliery Workers'  
Union, Representing the Workmen.

[No. F. LRII-2(119)58.]

*New Delhi, the 4th November 1958*

**S.O. 2336.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Safe Bank Limited, Itwari, Nagpur and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Nagpur constituted under section 7A of the said Act.

#### SCHEDULE

Whether the termination of services of Shri Ghaffar Khan Faridhan, peon, by the Safe Bank Limited, Itwari, Nagpur is justified and, if not, to what relief he is entitled?

[No. LRII-10(125)/58.]

K. D. HAJELA, Under Secy.